

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
TWENTY-SECOND JUDICIAL CIRCUIT
STATE OF MISSOURI**

KEVIE HENDRIX,)
vs.)
Plaintiff,) Cause No.
vs.) Division No.
LANTON AUTOMOTIVE, LLC,)
d/b/a MIDAS AUTO SERVICE EXPERTS,)
Serve:) JURY TRIAL DEMANDED
Lance Krug, or person in charge of office,)
Midas Auto Service Experts)
720 South 4th St.)
St. Louis, Missouri 63107,)
Defendant.)

PETITION FOR DAMAGES

COUNT I

COMES NOW Plaintiff Kevie Hendrix, by and through his attorneys Tueth, Keeney, Cooper, Mohan & Jackstadt, P.C., and for his cause of action against Defendant Lanton Automotive, LLC, d/b/a Midas Auto Service Experts, states as follows:

1. Plaintiff Kevie Hendrix (hereafter "Plaintiff") is an individual residing in Texas. At the time of the incidents referred to herein, Plaintiff was residing in the State of Missouri.
2. Defendant Lanton Automotive LLC., d/b/a Midas Auto Service Experts ("Defendant") is a Missouri limited liability company, which, at the time of the incident herein, was doing business in the City of St. Louis, Missouri, located at 720 South 4th St., St. Louis, Missouri 63107.

EXHIBIT A

3. Venue is proper pursuant to § 508.010 RSMo. as this matter is brought in the county where Plaintiff was first injured by the acts of Defendant.

4. On April 30th, 2015, Plaintiff took his vehicle, a 1998 Ford Ranger pickup truck (the “Vehicle”), to be serviced at Defendant’s automobile repair facility located at 720 South 4th St., City of St. Louis, Missouri.

5. Defendant serviced the Vehicle that same day by providing certain repair and maintenance items on the Vehicle.

6. After Plaintiff picked up the Vehicle from Defendant’s facility, he drove it a few miles before he noticed the Vehicle was smoking.

7. Plaintiff exited the Vehicle as it caught fire.

8. Plaintiff is aware of no conditions that could have started the fire other than the repair work of Defendant.

9. The fire was not the type of loss that ordinarily occurs in the absence of negligence.

10. The Vehicle was under the control of Defendant when the repair work was performed.

11. Defendant has or had superior knowledge about the cause of the fire.

12. Defendant had a duty to perform repairs on the Vehicle in a manner that would not result in the Vehicle catching fire.

13. Defendant breached that duty, and Defendant’s actions were negligent, including negligence via *res ipsa loquitur* and/or negligence *per se*.

14. As a direct and proximate result of Defendant's actions, Plaintiff was injured, in that he was subjected to the toxic smoke inhalation, fumes and the trauma of being inside a burning vehicle.

WHEREFORE, for Count I of his Petition, Plaintiff prays for judgment against Defendant, in an amount in excess of \$25,000.00, for prejudgment interest as provided by law, for his costs incurred herein, and for such other and further relief as the Court may deem just and proper in the circumstances.

COUNT II

15. Plaintiff incorporates by reference each of the above allegations in paragraphs one through fourteen as if fully set forth herein.

16. Defendant's repair work on the Vehicle was not done in a workmanlike manner.

17. Defendant's repair work constituted a breach of implied warranty of workmanlike performance of automobile maintenance.

18. As a direct and proximate result of Defendant's actions, Plaintiff was injured, in that he was subjected to the toxic smoke inhalation, fumes and the trauma of being inside a burning vehicle.

WHEREFORE, for Count II of his Petition, Plaintiff prays for judgment against Defendant, in an amount in excess of \$25,000.00, for prejudgment interest as provided by law, for his costs incurred herein, and for such other and further relief as the Court may deem just and proper in the circumstances.

TUETH, KEENEY, COOPER,
MOHAN & JACKSTADT, P.C.

By: /s/ John M. Reynolds
John M. Reynolds, #46931
34 N. Meramec, Suite 600
St. Louis, Missouri 63105
(314) 880-3600
(314) 880-3601 Facsimile

Attorneys for Plaintiff



Judge or Division: REX M BURLISON	Case Number: 2022-CC00848
Plaintiff/Petitioner: KEVIE HENDRIX	Plaintiff's/Petitioner's Attorney/Address JOHN MATTHEW REYNOLDS 34 NORTH MERamac SUITE 600 ST LOUIS, MO 63105
vs. Defendant/Respondent: LANTON AUTOMOTIVE LLC	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Other Miscellaneous Actions	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: LANTON AUTOMOTIVE LLC

Alias:

LANCE KRUG
PERSON IN CHARGE OF OFFICE
MIDAS AUTO SERVICE EXPERTS
720 SOUTH 4TH ST
SAINT LOUIS, MO 63107

COURT SEAL OF



CITY OF ST LOUIS

SHERIFF'S FEE PAID

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

July 29, 2020

Thomas Koeppinger

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
 other: _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ _____ 10.00

Mileage \$ _____ (_____ miles @ \$. _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.